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TREATY RIGHTS ASSOCIATION PETITIONS

CONTINUED FROM PAGE TWO

on shall participate in the manner set forth in this agreement."

And, whereas, the act of April 26, 1906, provides:

"That the rolls of the tribes affected by this act shall be fully completed on or before the fourth day of March, nineteen hundred and seven and the secretary of the interior shall have no jurisdiction to approve the enrollment of any person after said date; Provided, further, that

nothing herein shall be construed so as to hereafter permit any person to file an application for enrollment, in any tribe where the date for filing applications has been fixed by agreement between said tribe and the United States."

And, whereas, lawyers and lobbyists, representing claimants who have little or no trace of Indian blood, who were born without the tribe, who failed to live with the tribe and assume the burdens and responsibilities of tribal citizenship, are demanding legislation reopening the tribal rolls, and have fraudulently, unlawfully and otherwise collected large sums of money for the purpose of prosecuting such claims,

Now, therefore, we petition congress to keep faith with us and to protect us against the wicked and unlawful claims and demands of those who are seeking to reopen our rolls and to take from us our property, conserved by observing treaty stipulations with the United States and by assuming the burdens and hardships of early tribal citizenship.

Wherefore, the act of June 28 provides:

"It is further agreed that all funds invested, in lieu of investment, treaty funds, or otherwise, now held by the United States, in trust for the Choctaw and Chickasaw tribes, shall be capitalized within one year after the tribal governments shall cease, so far as the same may legally be done, and be appropriated and paid, by some officer of the United States appointed for the purpose, to the Choctaws and Chickasaws (Freedmen excepted) per capita to aid and as-

sist them in improving their homes and lands."

Many years have passed since this agreement, and yet these moneys have not been paid per capita that we might improve our lands and homes. Many of our citizens are aged and infirm, many are in destitute circumstances, and the payment of these moneys have been successfully delayed by lawyers and lobbyists, representing citizenship claimants.

Now, therefore, we petition congress that a per capita payment be provided for at the coming session.

We further petition congress to expedite the disposal of tribal property to the end that the proceeds thereof may be distributed per capita. Passed in convention assembled, at Ardmore, Okla., this the 24th day of November, 1915.

THE CHOCTAW-CHICKASAW TREATY RIGHTS ASS'N.
By _____ Chairman.
Attest: _____ Secretary.

Statement of Douglass H. Johnston, Governor of the Chickasaw Nation to the Choctaw-Chickasaw Treaty Rights Association:

On the eve of the coming session of the national congress it is well that I advise you of the coming difficulties we will encounter in our efforts to secure the enactment of beneficial legislation, and the obstacles we will meet in our endeavor to defeat the passage of detrimental and unwholesome measures.

Probate Matters.
The early federal legislation providing for the allotment in severalty of our tribal lands and the dissolution of our tribal governments, treated the tribal members as a class and made no distinction as to degree of blood, intellectual development, and competency to control and exercise property rights without restrictions upon alienation.

Later congress realized that many of our tribal members were citizens by intermarriage, that many were mixed bloods, and that many were men of intelligence and marked business ability, and therefore, restrictions upon alienation were removed, based upon quantum and degree of blood. In each instance, in fixing the status of the right to alienate, minors were placed in the same class with adults.

Many members of our tribe of various degrees and quantum of Indian blood are capable and competent and should have had their restrictions removed. In many cases it becomes necessary to sell a part of a minor's land for his or her support, maintenance and education. Often the minor is benefited by a sale of his or her allotment and the investment of the proceeds thereof, in better lands or other properties, therefore I do not assume the attitude of those who have used their best efforts to pass laws for the betterment of the race, but do assert that this method proved both beneficial and detrimental. Competency should have been determined and established by an individual test and not by quantum and degree of blood. Congress ascertained that designing persons animated by mercenary purposes were taking advantage of minors and incompetents whose restrictions had been removed. Proper safeguards and proper protection were needed. This necessity brought about the appointment and organization of the present probate force, whose salaries are paid out of the federated funds, with no additional expense to the Chickasaw tribe. Under the supervision of the honorable secretary of the interior, and the honorable commissioner of Indian affairs, the probate force has accomplished great good in the Chickasaw nation. The

probate attorneys in my nation are active, aggressive, capable and competent, and in the year of 1914, saved for minors and others \$105,122.74, and instituted suits for the recovery of \$97,751.61. In the present year, said attorneys have appeared in 6,672 cases, have covered by new bonds \$245,500 and have saved to minors and others \$280,594.50. This saving to the minors is not the only feature, but it establishes a precedent that the law must be enforced, and minors' estates in the future must not be squandered by their guardians.

The force has conducted probate affairs with economy, fidelity and efficiency, and congress should appropriate sufficient funds to maintain such force in the future.

Leased District.
Few matters now pending approaches in magnitude the claim of the Choctaws and Chickasaws for compensation for certain lands known as the "leased district."

Under the treaty of 1836, the Choctaws and Chickasaws ceded the lands involved, to the United States for the settlement of friendly Indians and for other specified purposes. The terms and provisions of the treaty were complied with only as to the settlement of friendly Indians. Thereafter, practically all the surplus lands unallotted to friendly Indians were opened to white settlers under the general homestead act. Compensation for a part of said land so used was fixed by act of congress and was paid per capita in 1893. The remaining lands so used, aggregating approximately six million acres, were involved in an action in the court of claims. The decision of said court was in favor of the Choctaw and Chickasaw nations. It held that when the United States ceased to use said lands for the specific purposes set forth in said treaty the title thereto reverted to the nation. Upon appeal the supreme court reversed the court of claims and held that the title to the land passed by the treaty, but stated, however, that any claim for compensation on behalf of the tribes should be presented to the legislative branch of the government; that same was a political and not a judicial question.

We contend that congress established a precedent by the appropriation of money for the payment of a part of said land, that the supreme court had recognized a moral claim worthy of the consideration of congress, that the tribes understood the treaty to be a lease, and not a conveyance, that the language of the treaty and the law of the case were so uncertain as to call for conflicting opinions from two courts; that the consideration passing from the guardian to the ward was inadequate and unjust. And it devolves upon us to convince congress of the fairness of our claim.

This question has been given as much thought, time and attention as possible, considering other matters requiring more prompt and immediate attention.

Enrollment Matters.
To prevent the passage of legislation reopening the tribal rolls is of paramount importance to the Choctaw and Chickasaw nations. To defeat such legislation means a saving and conserving of the moneys and properties of the tribe, and a more speedy dissolution of tribal affairs.

Proposed enrollment legislation has demanded and consumed more time and labor than all other duties of the tribal officials combined. The questions of law and fact involved in enrollment matters are so numerous that epitome is impossible, a full and comprehensive statement would fill a volume of many pages. Enrollment legislation in 1896 marked the beginning of a great battle which has been renewed annually and which has been conducted by means unfair and foul. The enemy's forces have been conducting a campaign with moneys and munitions unlawfully and illegally obtained. Last session counsel representing thousands of claimants, many times the present population of my tribe, openly, unblushingly and brazenly boasted, that the Indian appropriation bill would not pass unless we agreed to the reopening of our rolls.

Two enormous forces are exerting a tremendous influence on enrollment legislation. One in behalf of the so-called Mississippi Choctaws, or 14th article claimants. The other for the white and black claimants; claimants without tribal affiliation or recognition, who applied from practically every state in the union.

The congressional delegation who champion the cause of the 14th article claimants feel that they are representing their constituents, but to justify the claims of the applicants represented, who now reside in Mississippi, Louisiana and Alabama, they grievously err in the interpretation of the treaty of 1836, violate every well established rule of statutory construction, and ignore the decisions of the tribunals that have considered and passed upon the question.

The members of congress who in the past have advocated the enroll-

ment of the other class of claimants were ill advised and misinformed by attorneys representing such claimants and others financially interested in their enrollment.

Corporations have been organized having for their sole capital stock, citizenship contracts. Such stock has been peddled to many innocent and unsuspecting purchasers. An organization incorporated under the name of the Texas and Oklahoma Investment company has disposed of such stock to the amount of \$100,000. These claimants, through their attorneys, have capitalized their alleged rights to citizenship, and have bartered them for enormous sums of money. Thereby they have enlisted the sympathy and support of the purchasers and this, added to the gold acquired, and the cunning, dishonest and unscrupulous methods of their attorneys, has created false sentiment and has deceived and misled.

How are we to combat these tremendous forces? My answer is, by an active and aggressive educational campaign. In this connection I wish to say that the entire Oklahoma congressional delegation is doing all in its power to protect our interests, and it is our duty to assist them in every possible way.

When the members of congress devote sufficient time to enrollment matters to grasp the law and fact involved, when they fully investigate and see the fraud and misrepresentation practiced, when they realize that they are being misled, when they ascertain that they are being asked to violate the laws, treaties, usages and customs of the tribe, when they appreciate that they are being urged to take from the tribal members their moneys and properties, and pay and deliver same to impostors, when they are fully enlightened, we can expect action swift, sure and effective. We hope to accomplish much in this line at the coming session.

Per Capita Payments.
From the sale of tribal properties and from interest on the proceeds thereof, we have accumulated in the United States treasury several million dollars. Large sums of money are due and owing us from the sale of unallotted lands on time payments. Many thousands of acres of our unallotted lands are to be sold. Our segregated coal, asphalt and timber lands will be disposed of. Many of our people are aged and infirm, many in destitute circumstances. Congress provided for a per capita payment

at the last session, for the purpose of meeting the needs and wants of our people. This provision was embodied in the Indian appropriation bill. This measure could not be defeated by a proper vote. A filibuster was resorted to which prevented the passage of the bill.

The Oklahoma delegation will continue the fight in our behalf. The department and the Indian office in my judgment will again recommend such payment.

Speaking for the Chickasaws, I assure you that your tribal attorney, and your governor, will be vigilant and active at all times in protecting your interests, and procuring a per capita distribution of your tribal funds, at the earliest practical time.

Respectfully submitted,

D. H. JOHNSTON,

Governor of Chickasaw Nation.

November 24, 1915.



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